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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/575,531

04/10/2006

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EXAMINER

WILLIAMS, ARUN C

ART UNIT

PAPER NUMBER

2838

MAIL DATE

DELIVERY MODE

09/02/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/575,531	TSUKASHIMA ET AL.	
	Examiner	Art Unit	
	ARUN WILLIAMS	2838	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/10/2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/10/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Double Patenting

2. Claims 1-8 of this application conflict with claims 1-7 of Application No. 10/572654. 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822.

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with

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37 CFR 3.73(b).

3. Claims 1-8 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1-7 of copending Application No. 10572654. Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant application is claiming common subject matter, as follows; determining state of life, monitoring temperature, monitoring state of charge, and monitoring electrical current.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3,5,6, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Katsuzawa et al, (Katsuzawa), US20020050752.

As for claims 1 and 5, Katsuzawa discloses and shows in Fig. 1-2 a motor module stored in a housing, comprising: a motor winding (2) having at its tip a terminal, where shows in Fig. 5a of a plate-like terminal (21) formed to extend in a prescribed direction; and a terminal block (10) provided integrally with said housing (1) for electrically connecting said motor winding to an external wiring for supplying electric power to said motor module, said terminal block including a first contact (23) for

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electrically connecting an internal conductor and said external wiring (70), and a second contact (combination of 21) for electrically connecting said internal conductor and said motor winding; wherein said second contact has a structure that is elastically deformable in accordance with a position of said terminal of said motor winding.

As for claims 2 and 7, Katsuzawa discloses and shows Fig.2 the second contact includes a fixed terminal (24) having a portion formed to extend along an extending direction of said terminal of said motor winding, said portion being electrically connected to said internal conductor, and a movable terminal (84) arranged so as to hold said terminal of said motor winding between said fixed terminal, and wherein said movable terminal is elastically deformable in accordance with a position of said terminal of said motor winding (par.[0034])

As for claim 3, Katsuzawa discloses and shows Figs. 2 and 5b said terminal of said motor winding has a rod-like shape, said second contact has a plurality of movable terminals (84) arranged to form an opening smaller than a cross-sectional area of said terminal of said motor winding before said terminal is inserted, each of said plurality of movable terminals being elastically movable, after being inserted into said opening, said terminal of said motor winding is held closely with said plurality of movable terminals by pressing force of said plurality of movable terminals having been elastically moved, and said plurality of movable terminals are electrically connected to said internal conductor (par.[0034])

As for claim 6, Katsuzawa discloses and shows in Fig. 5e a fixing member (24) is configured with a set of a bolt and a nut, and an opening that is laterally longer than a

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diameter of said bolt is provided to each of said terminal at the tip of said motor winding and said fixed terminal.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsuzawa in view of Kobayashi et al,(Kobayashi), US2003/0024749.

As for claims 4 and 8, Katsuzawa differs from the claimed invention because he does not explicitly disclose a first contact has a structure for mating said internal conductor and said external wiring in a direction perpendicular to a motor rotation shaft, and said motor winding is attached to said second contact in said rotation shaft direction.

Kobayashi discloses and shows in Fig. 7 a first contact (88a-88c) has a structure for mating said internal conductor and said external wiring (92a-92c) in a direction perpendicular to a motor rotation shaft, and said motor winding is attached to said second contact in said rotation shaft direction.

Kobayashi is evidence that ordinary skill in the art would find a reason, suggestion or motivation to use a first contact has a structure for mating said internal conductor and said external wiring in a direction perpendicular to a motor rotation shaft, and said motor winding is attached to said second contact in said rotation shaft direction.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the Katsuzawa by using a first contact has a structure for mating said internal conductor and said external wiring in a direction perpendicular to a motor rotation shaft, and said motor winding is attached to said second contact in said rotation shaft direction for advantages such as providing an

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electrical connection from the power source terminals to the stator (par.[0036]), as taught by Kobayashi.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arun Williams whose telephone number is 571-272-9765. The examiner can normally be reached on Mon - Thrus, 6:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Akm Ullah can be reached on 571-272-2361. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Akm Enayet Ullah/
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